## UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

BERTON G. TOAVS	3:12-cv-00449-MMD-WGC			
Plaintiff,	) <u>MINUTES OF PROCEEDINGS</u>			
VS.	) July 3, 2014			
ROBERT BANNISTER, et al.,				
Defendants.	) ) )			
PRESENT: <u>THE HONORABLE WILLIA</u>	<u>M G. COBB</u> , U.S. MAGISTRATE JUDGE			
DEPUTY CLERK: Katie Lynn Ogden	REPORTER:FTR			
COUNSEL FOR PLAINTIFF: Berton G. Toavs, In Pro Per (Telephonically)				
COUNSEL FOR DEFENDANT(S): And	rea Barraclough, Esq.			

## **MINUTES OF PROCEEDINGS: Motion Hearing**

9:02 a.m. Court convenes.

The court addresses Plaintiff's "Motion to Stay Defendant's Motion for Summary Judgement Plus 30 Days to Answer" (Doc. # 51). Plaintiff argues the stay is necessary because he is awaiting discovery responses and has yet been provided the opportunity to review his medical file and exhibits that are under seal (Doc. # 48, Exhibits 3A-3Q). In light of this, Plaintiff requests an extension of time to file his response to Defendants' Motion for Summary Judgment (Doc. # 47).

Subsequent to the filing of Plaintiff's motion for extension of time, Mr. Toavs explains he has had the opportunity to review Exhibits 3A-3Q with his case worker. However, to date, Plaintiff states he has yet to receive any response from medical regarding a kite he submitted on June 8, 2014, requesting to review his medical files from 2001 to 2010.

Mr. Toavs further explains he has served upon the Defendants requests for admissions and interrogatories but has not received any response from the Defendants. Mr. Toavs states he has a brass slip (# 2065371) from the Northern Nevada Correction Center ("NNCC") law library dated March 27, 2014, indicating he sent the documents to the Defendants; however he does not have any copywork of his actual discovery requests.

Deputy Attorney General Andrea Barraclough represents her records do not indicate her

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office ever received discovery requests from Plaintiff around the date Mr. Toavs asserts he served the requests for admissions and interrogatories.

In view of the parties' representations, the court finds good cause to reopen discovery. Plaintiff shall reserve his discovery requests for admissions and interrogatories on Defendants. Those discovery requests shall be received by Defendants no later July 11, 2014. Assuming Defendants are able to respond to Plaintiff's discovery requests no later than August 8, 2014, Plaintiff shall respond to Defendants' Motion for Summary Judgment (Doc. # 47) no later than **Friday, September 12, 2014**. Defendants shall file their reply no later than **Friday, September 26, 2014**.

Therefore, Plaintiff's "Motion to Stay Defendant's Motion for Summary Judgement Plus 30 Days to Answer" (Doc. # 51) is **GRANTED in part** and **DENIED in part**.

Ms. Barraclough represents she will contact NNCC to expedite Mr. Toavs request to review his medical files. The court suggest Mr. Toavs write Ms. Barraclough a letter if he is not provided the opportunity to review his medical files within one week.

## IT IS SO ORDERED.

9:16 a.m. Court adjourns.

LANCE S. WILSON, CLERK

By: /s/
Katie Lynn Ogden, Deputy Clerk